

City of Raleigh Planning & Development Department One Exchange Plaza Raleigh, NC 27601 (919) 996-2475 www.raleighnc.gov

Case File: A-38-15

Property Address: 115 W. Park Drive

Property Owner: Spencer and Kim Meymandi

Project Contact: Spencer and Kim Meymandi

Nature of Case: A request for a 12' primary street setback variance and a 1' side yard setback

variance, and a 2.9' aggregate side yard setback variance from the regulations set forth in Section 2.2.1 and Section 5.4.3.F.2 of the Unified Development Ordinance to legalize the existing structure and allow for the construction of an addition to the rear and side of a Detached House in excess of 25% of the total gross floor area of the existing structure resulting in a 32.4' primary street setback, a 4.9' northern side yard, and a 17.1' aggregate side yard setback for

the detached house on a .19 acre property zoned Residential-6 and

Neighborhood Conservation Overlay District and located at 115 W. Park Drive.



115 W. Park Drive - Location Map

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To BOA: 6-8-15

Staff Coordinator: Eric S. Hodge, AICP

ZONING

DISTRICTS: Residential-6 and Neighborhood Conservation Overlay District (Cameron Park

Neighborhood)



115 W. Park Drive - Zoning Map

VARIANCE STANDARDS: In accordance with UDO §10.2.10 Variance, before a variance request is granted, the Board of Adjustment shall show all of the following:

- 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from

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personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- 4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Setback Standards: The subject property is zoned Residential-6 and Neighborhood Conservation Overlay District (Cameron Park Neighborhood)

Neighborhood Conservation Overlay District (Cameron Park):

- a. Core Area
- i. Maximum lot size: 21,779 square feet.
- ii. Front vard setback:

Within 10% of the average front yard setback of houses on the same block face. No portion of any garage or carport shall protrude beyond the primary facade of the principal structure. Covered porches shall be considered part of the primary facade. For corner lots with driveway access from the secondary side, attached garage entrances must be set back at least 10 feet from the secondary side building elevation. A secondary side elevation is the alternative side of a corner lot house that faces a roadway, but does not include a primary entrance to the house.

iii. Side vard setback:

Within 5 feet of the average side yard setback and corner side yard setback of other properties on the block face, but no less than 5 feet.

iv. Setback for accessory structures:

Side and rear yard setbacks for accessory structures, including those greater than 150 square feet shall be a minimum of 3 feet.

v. Maximum building height:

30 feet with the exception of those lots fronting on Park Drive between Oberlin Road and Forest Road (except the lots fronting the south side of Park Drive, between Oberlin Road and Groveland Avenue), all lots fronting on West Johnson Street and on the south side of Peace Street, and the 3 lots fronting the south side and the 4 lots fronting the north side of Park Drive immediately west of St. Mary's Street (Wake County Registry: DB 08350, PG 1823; DB 02660, PGO-E-; DB 11659, PG 1800; DB 02425, PG 0670; DB 12811, PG 0908; DB 07129, PG 0713; DB 09060, PG 1175), which shall be limited to a maximum building height of 26 feet.

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vi. Building placement and building entrance:

The orientation of the building and entry level of the main entrance to the building shall be located in a manner that is the same as the majority of the buildings on the block face.

vii. Vehicular surface areas:

New driveways onto public streets shall not be allowed for lots adjacent to alleys. Within that portion of the front yard area (as measured perpendicular to the right-of-way), between the principal building and the public street, new vehicular surface area shall not be permitted except where there are no adjacent alleys and when driveways are constructed alongside the house in the shortest practical distance from the right-of-way to the rear of the building. Parking areas and any other vehicular surface area installed prior to the August 3, 2010 shall not be deemed a zoning nonconformity. No vehicular entrance to a garage attached to the principal structure shall face the front yard. Maximum driveway width shall be limited to 12 feet for single driveways and 20 feet for shared driveways.

NCOD context determined setbacks for this property:

Primary Street Setback Range: 31.97' – 39.05'

Existing Primary Street Setback for subject property: 20.4'

Side Yard Setback Range: 4.35' – 8'.

Existing Side Yard Setbacks for subject property: 3.9' on North, 13.2' on South

Residential-6:

Yard Type	Minimum Setback	
Primary Street	10'	
Side Street	10'	
Side	5'	
Sum of Sides	15'	
Rear	20'	

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Development Services **Customer Service Center**

One Exchange Plaza 1 Exchange Plaza, Suite 400 Raleigh, North Carolina 27601 Phone 919-996-2495 Fax 919-516-2685

Variance Application

A-38-15

	OFFICE USE ONLY
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) See attached "Exhibit A"	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

	Date i i
7605	5/6/15
Current Zoning	
K-6	
	Property size (in acres)
	.19
Phone	Fax
919-412-1945	919-821-5237
Email ,	4
Kmeymandi Did	oud · Com
Phone	Fax 919-821-5237
919-412-1945	19-621-5231
Kmeymande (a) i	cloud.com
Email	0
Spencer (a) ads	intinitum. com
Notary Signature and Seal	Commission Expires.
TAR LEG	2/9/2019
	(chi)
	141
MOTARY	
	Phone Q19-412-1945 Email KMeymandi @icl Phone Q19-412-1945 Email KMeymandi @i Email Spencer @ads

It is improper to contact any member of the Board of Adjustment prior to the disposition application will not be considered complete until all required submittal components lists he request. A variance necklist have been received and approved.



Development Services **Customer Service Center** One Exchange Plaza 1 Exchange Plaza, Suite 400 Raleigh, North Carolina 27601 Phone 919-996-2495 Fax 919-516-2685

Variance Intake Requirements

TO BE COMPLETED BY APPLICANT				LETED E Y STAFF	
	YES	N/A	YES	NO	N/A
General Requirements – Variance					
In I have referenced the Variance Checklist and by using this as a guide, it will ensure that the application is processed in a timely manner	Ø				
2. Variance application review fee (see Development Fee Schedule for rate)					
3. Completed, notarized application signed by the property owner					
One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	□⁄				
5. List of all adjacent property owners	1/				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles		, _□			
7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted	□⁄				
If the property has been cited by a Code Enforcement Officer, include a copy of the citation		2			
9. Is variance needed to legalize an existing improvement?					



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Fax 919-516-2685

Variance Checklist

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TO BE COMPLETED BY APPLICANT		YES	N/A
PRE-SUBMITTAL REQUIREMENTS			
Pre-Application Conference with staff			
2. Completed Variance Intake Requirements sheet		V.	
3. Variance applications shall be submitted to the Zoning Division, 4 th floor of One Exchange Plaza		V	
VARIANCE REQUIREMENTS			
The property owner must be the applicant.		1/ :	
A signed, notarized application and submittal fee are required.		1/	
The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject proper City staff will mail the public hearing notices.	erty.	V	et i, a
 The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the applic has been filed. 	ation	V.	
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.		1/	100
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.	1000	1/	2754
7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned.	у		
VARIANCE CONSIDERATIONS			
The Board of Adjustment will review all variance requests against the following showings:			
Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.		V	
 The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. 	non		*
The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regard as a self-created hardship.	led	V	· - 01
 The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safet secured and substantial justice is achieved. 	y is	V	7



Development Services Customer Service Center One Exchange Plaza 1 Exchange Plaza, Suite 400 Raleigh, North Carolina 27601 Phone 919-996-2495 Fax 919-516-2685

Pre-Application Conference

This form must be provided at the time of formal submittal.	
Process Type	
Board of Adjustment (Contact: Eric Hodge) 919-996-2639/Eric. Wodge @ Vale	ahnc.gov
Comprehensive Plan Amendment (Contact: Dan Becker)))
Rezoning (Contact: DeShele Sumpter)	
Site Review* (Contact: Stacy Barbour)	
Subdivision (Contact: Christine Darges)	
Subdivision (Exempt) (Contact: Peggy Goodson)	
Text Change (Contact: <u>Travis Crane</u>) * Optional conference	
GENERAL INFORMATION	
Date Submitted 5 10 15	V4
Applicant(s) Name Spencer - Kim Maymande	
Phone 919 - 412-1945 / 919-412-1900	
Email Spencer (adsintintum, com / Kneymandi (a) i cloud, con	V
Property PIN# 1704109504	
Site Address / Location 15 M. Park Da. Raleigh NC 27 605	
Current Zoning	
Additional Information (if needed)	
FOR OFFICE USE ONLY	
Transaction #	
Date of Pre-Application Conference	8
Staff Signature	

Exhibit A-Nature of Variance Request

I. Summary of Request

Spencer and Kim Meymandi, owners of 115 W Park Drive, respectfully request variances to (i) legalize the existing dwelling, (ii) permit an addition to the existing dwelling. The proposed addition is a two-story addition off the rear of the existing dwelling, which will constitute approximately 33% more than the gross floor area of the existing. As shown on the survey filed with this petition, the addition to the rear of the existing dwelling will be stepped back on both the northern and southern sides of the existing dwelling. In addition to the survey of existing conditions, a survey of proposed conditions, existing elevations, elevations showing the proposed addition, floor plans of the existing structure and floor plans showing the proposed addition are provided with this petition.

The property is zoned Residential-6 with a Neighborhood Conservation Overlay District (Cameron Park).

According to UDO section 2.2.1., the Residential-6 district provides for a minimum front yard setback of 10', a minimum side yard setback of 5', a minimum aggregate side yard setback of 15'. However, according to UDO section 5.4.3.F, the regulations of the Neighborhood Conservation Overlay District control over the base zoning district regulations. Yet, section 5.4.3.A.2. states that a structure existing as of the date of the application of the Neighborhood Conservation Overlay District shall not be deemed nonconforming solely because of the overlay district.

Section 5.4.3.F.2. sets forth the regulations for the Cameron Park neighborhood. Section 5.4.3.F.ii. states that the front yard setback shall be within 10% of the average front yard setback of the houses on the same block face. Section 5.4.3.F.2.iii. states that the side yard setback shall be within 5 feet of the average side yard setback and corner side

yard setback of other properties on the block face, but no less than 5 feet. Finally, Section 5.4.3.A.3. states that an expansion to an existing structure must comply with the Neighborhood Conservation Overlay District standards unless the Board of Adjustment approves a special use permit , but this is limited to expansion of less than 25% of the gross floor area of the existing structure.

The average front yard setback of houses on the same block face is approximately 35.5, and the 10% range for the front yard setback is 31.97' to 39.05'. The front yard setback of the existing dwelling on the property is approximately 20.4'. The average side yard setback and corner side yard setback of other properties on the block face is approximately 6.175' and the side yard setback range is 4.35' and 8'. The side yard setbacks of the existing dwelling on the property are 3.9' (North) and 13.2' (South).

In order to legalize the existing dwelling, the property owners are requesting a 12' variance to the front yard setback and a 1' variance to the side yard (North) setback to permit a 4.9' side yard (North) setback.

In order to permit an addition to the existing dwelling, the property owners are requesting a variance to UDO section 5.4.3.A.3. to permit an expansion grater than 25% of the total gross floor area of the existing dwelling, a 1' variance to the side yard (North) setback to permit a 4.9' side yard (North) setback and a 12' variance to the front yard to permit a 32.4' front yard setback.

II. Variance Findings

A. Unnecessary hardship would result from strict application of the ordinance. Without a variance, the property owners could not construct the proposed two-story addition, which is merely a projection of the main body of the house toward the

- rear of the lot. Based on the unusual form of the property, as discussed below, and how the proposed addition interacts with the floor plan of the existing structure, a variance is necessary to permit an addition that can work with the layout of the existing structure.
- B. The hardship results from conditions that are peculiar to the property. The property, as shown on the survey provided with this petition, uncharacteristically narrow. Also, the existing structure is located within the side yard setbacks imposed by the Neighborhood Conservation Overlay District. Given the narrowness of the lot, only a very narrow addition could be constructed that complies with the side yard setback range for this block face.
- C. The hardship does not result from actions taken by the property owner. As noted above, the hardship is a result of the peculiar property dimensions, the location of the existing structure, and the layout of the existing structure.
- D. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved. The spirit, purpose and intent of the Neighborhood Conservation Overlay District is to ensure redevelopment of properties and additions to existing structures occur in context with the surrounding built environment. Importantly, the Neighborhood Conservation Overlay District standards acknowledge that the dimensions of structures existing prior to the application of the regulations are in context with the surrounding built environment. The proposed addition to the existing dwelling does not encroach into the side yard setback areas any more than the existing structure. In fact, on both the south and north sides of the structure, the addition is setback from the property lines farther than the existing dwelling. Additionally, the proposed addition does not deviate stylistically from the existing architecture and will enhance the appearance of the property

and contribute to the neighborhood built environment. Finally, public safety is secured by maintaining and enhancing the side yard setbacks and substantial justice is achieved by permitting an addition in context with the surrounding built environment.

Setback Summary Charts

Houses on the 100 block of W Park Drive	Front Yard Setback
Hicks House-117 W Park Drive	27.41
Oates House-119 W Park Drive	36.18
Lowe House-121 W Park Drive	43
Thornton House-123 W Park Drive	35.5
Average	35.5

Thus, the front yard setback for 115 W Park Drive must be between 31.97' and 39.05'

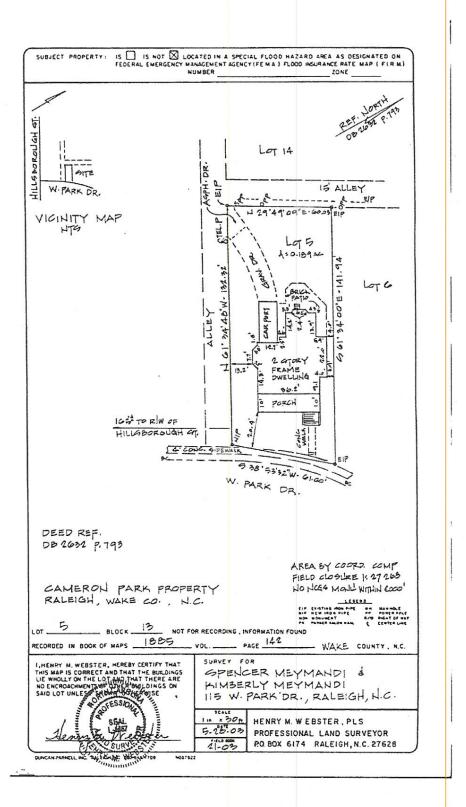
At 115 W Park Drive, the Meymandis are asking for a 12' variance to the front yard setback to legalize the existing dwelling.

k North-Side Setback	5.4'	5'	1-	.9	4.35'	
South-Side Setback	7.8'	9.4'	5.3'	1.6	-8	6.175'
Houses on the 100 block of W Park Drive	Hicks House-117 W Park Drive	Oates House-119 W Park Drive	Lowe House-121 W Park Drive	Thornton House-123 W Park Drive	Averages	Total Setback Average

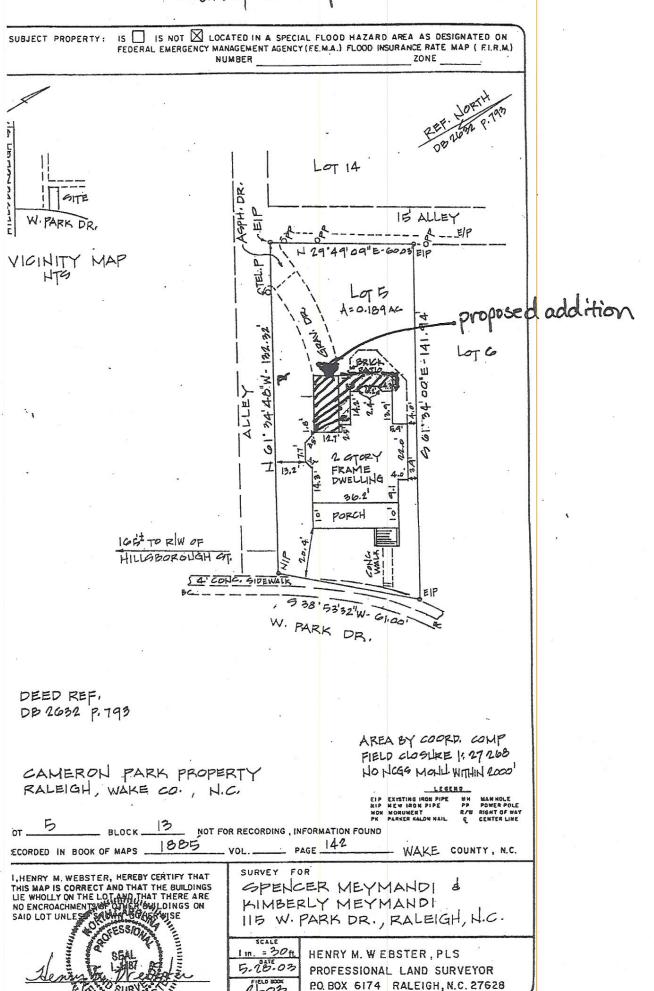
Thus, the side yard setbacks of 115 W Park Drive must be between 4.35' and 8'

At 115 W Park Drive, the Meymandis are asking for a 1' variance to the northern side yard setback to legalize the existing dwelling.

Survey of Existing Conditions

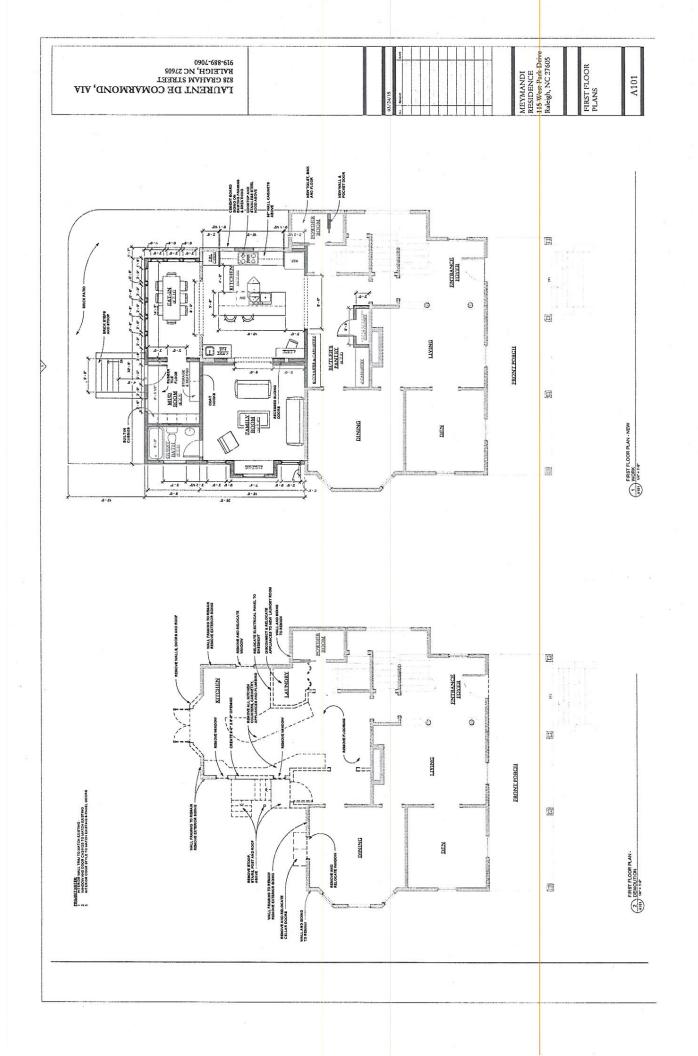


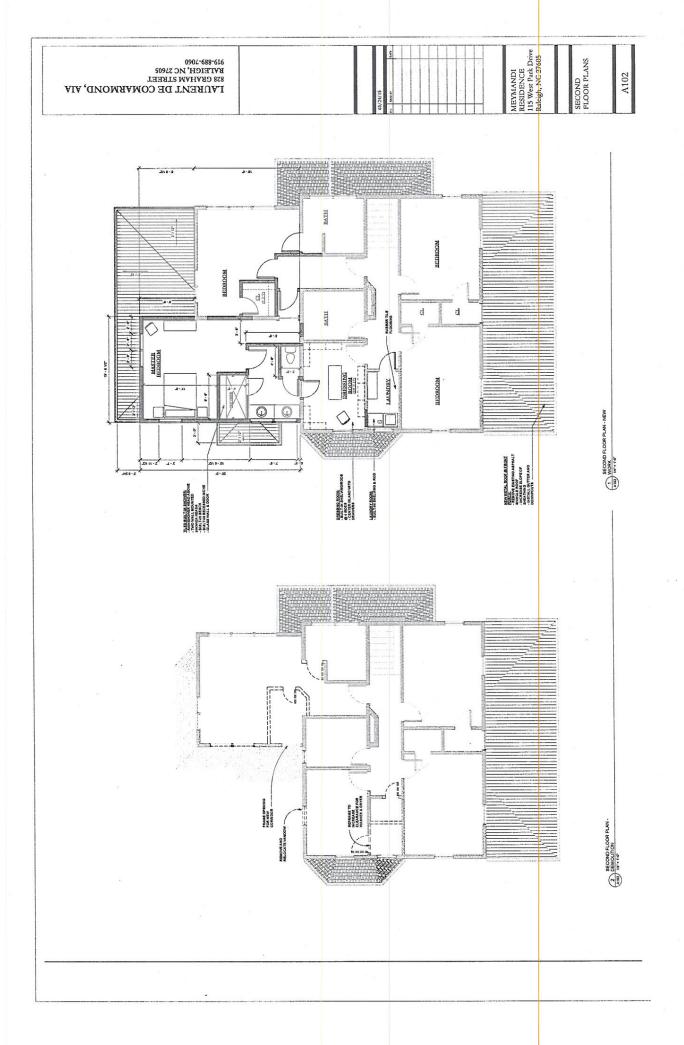
Survey of Proposed Conditions.

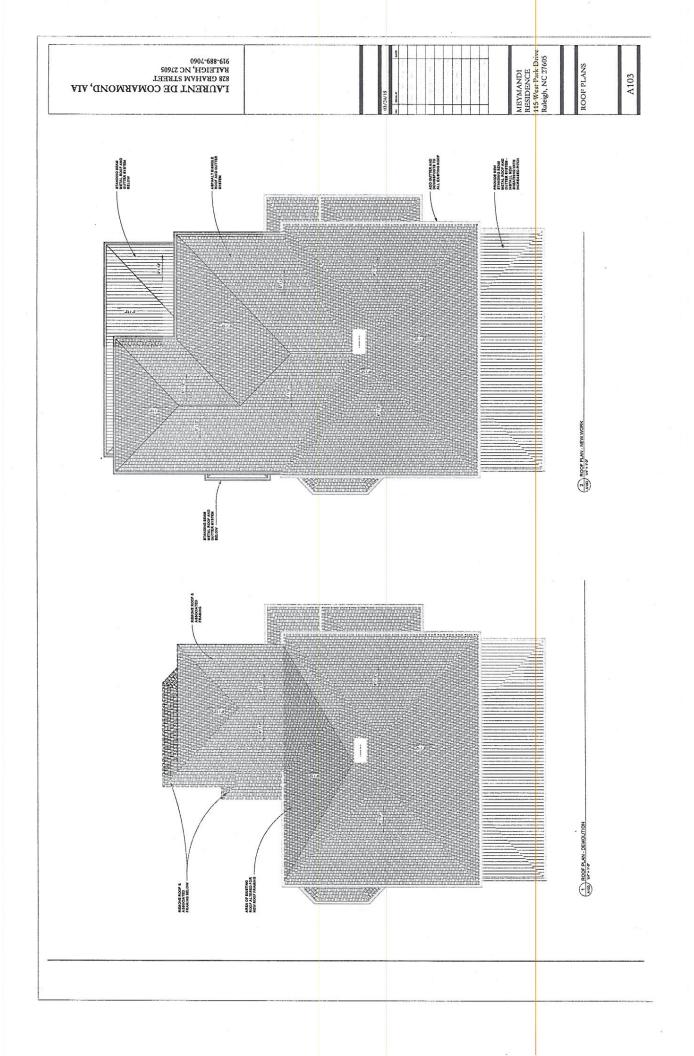


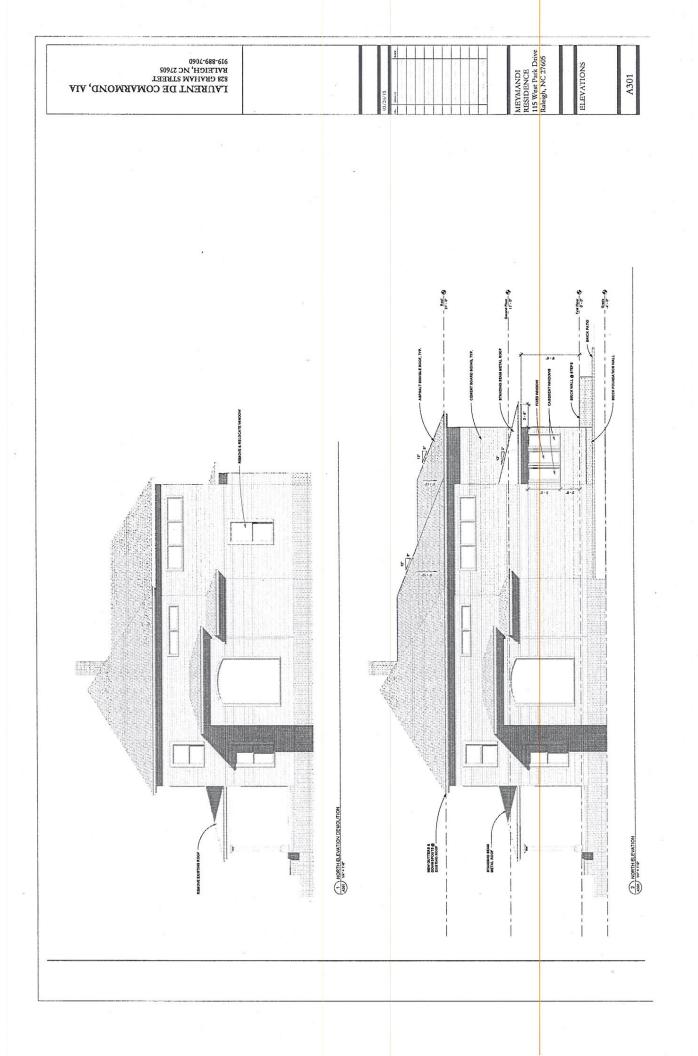
RESIDENCE 115 West Park Drive Raleigh, NC 27605 0904-688-616 COVER SHEET 828 GRAHAM STREET RALEIGH, NC 27605 MEYMANDI A001 LAURENT DE COMARMOND, AIA THE CONTRACTOR BALL MANTAN LABLITY MAJUANCE FOR THE DULATION OF THE PROJECT. THE OWNER SHALL MAINTAN THEIR OWN PROFERT NEUMACHE, FOWN THE ENTIRE STRUCTURE. ACCESS TO THE PROJECT SITE SHALL BE RESTRUCTED TO THE OWNERS, ARCHITECTEROINER CONTRACTOR'S PERSONNEL. 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLITION REQUIRED FOR THIS PROJECT. THE CONTRACTOR SHALL KEEP THE EXISTING SITE FRE FROM ACCUMILATED WASTE AND TOOLS. THE CONTRACTOR SHALL LEGALLY DISPOSE OF ALL CONSTRUCTION WASTE. C. DRAWINGS SHALL NOT BE SCALED, WRITTEN DIMENSIONS AND NOTES HAVE PRECEDENCE OVER SCALED CONDITIONS. THE CONTRACTOR SHALL FAMILIARZE HINSELF WITH THE EXISTING CONDITIONS AND FIELD VERIFY DIMENSIONS. 2. ALLWORK SHALL COMPLY WITH CURRENT RESIDENTIAL BUILDING CODE. ALTHOUGH EVERY ATTEMPT HAS BEEN MADE TO BISJUE THAT THESE SHAWE THE COSTAN ALL NECESSARY PENNITS AND SCHEDULE NISP YS BUILDING CODE OFFICIAL. General Project Notes Index of Drawings 6. PLUNBING-INAG & FLEGTNGAL FLANS SYALL BE THE RESPONSIBILITY OF THE GENERAL CONTR HVAG & ELECTRICAL WORK SHALL MEET CURRENT CODE REQUIREMENTS. MEYMANDI RESIDENCE
115 West Park Drive Raleigh, NC FIRST FLOOR PLANS
SECOND FLOOR PLANS
ROOF PLANS
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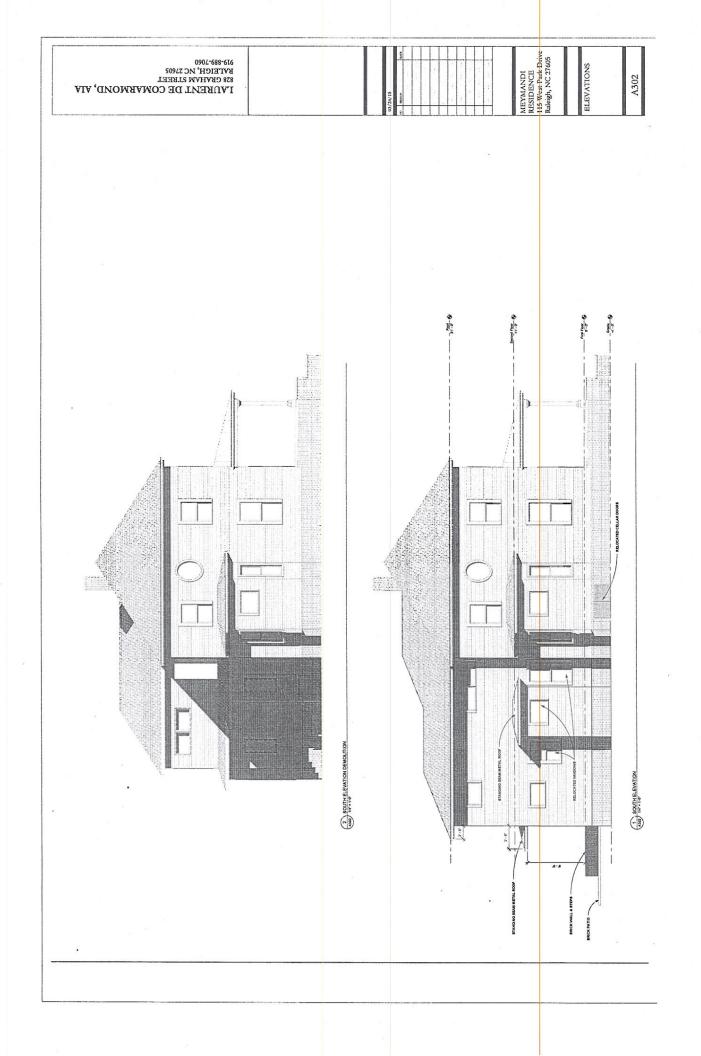
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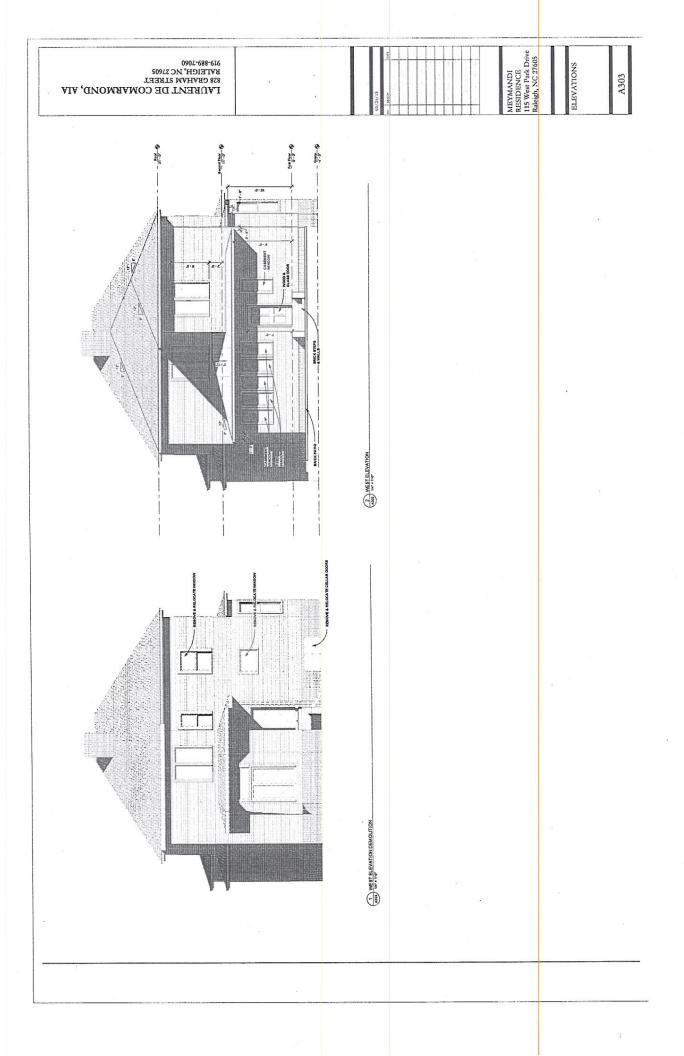














Wake County Real Estate Data **Account Summary**

iMaps Tax Bills

Real Estate ID 0060610 PIN # 1704109504



Property Description **LO5 CAMERON PARK BL13** Account Search

Account Buildings | Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

Pin/Parcel History Search Results New Search

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

Property Owner MEYMANDI, SPENCER S & KIMBERLY F Use the Deeds tab above to view any additional owners			r's Mailing A PARK DR IGH NC 276	1	15 W PARK	
Administrative Data	tion		Assessed	Value	1000	
Old Map # D018-D0073-0010						
	Deed Date		6/6/2003	Land Value	>	\$319,800
	Book & Page		179 1130	Assessed		a:
	Revenue Stamps		900.00	Bldg. Value	9	\$301,747
Fire District	Pkg Sale Date		6/6/2003	Assessed	-	
	Pkg Sale Price		\$450,000			
	Land Sale Date Land Sale Price			Tax Relief		
Spec Dist(s)	Land Sale Price			lax Kellel		
Zoning R-6	Imam rossom and Com			Land Use \	/alue	
History ID 1	Improvement Sur	iiiiai y		Use Value		
History ID 2	Total Units		4	Historic De		
	Recycle Units		1	Total Defer	AND ADDRESS OF THE PARTY OF THE	B 34
Permit Date	Apt/SC Sqft					
Permit #	Heated Area		2,820			
			_,020	Use/Hist/Ta	ax Relief	
				Assessed		
				Total Value		\$621,547
				Assessed*		

*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID 0060610

PIN# 1704109504

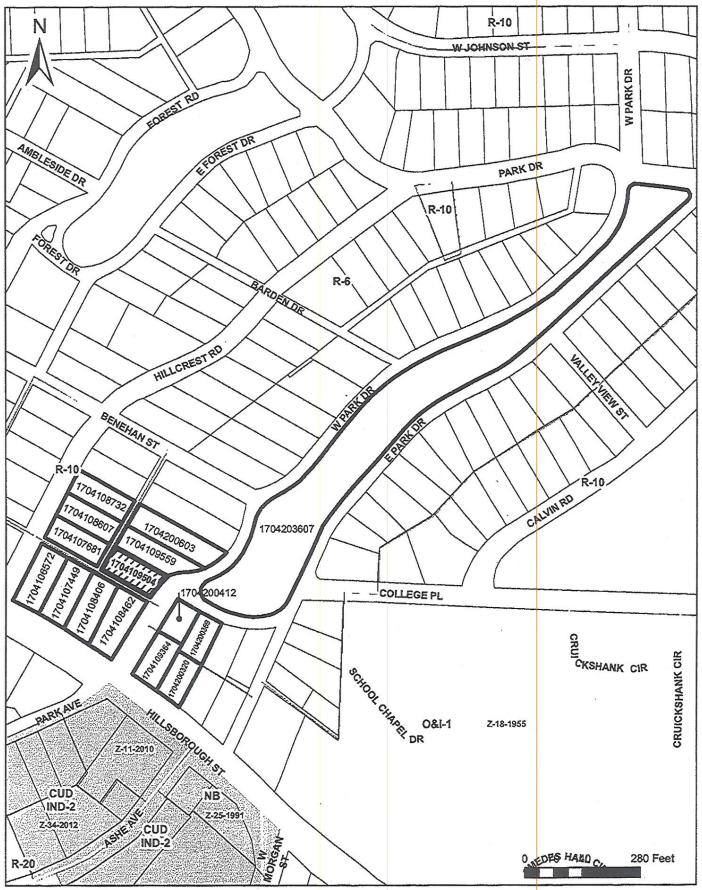
Location Address 115 W PARK DR Property Description

LO5 CAMERON PARK BL13

Account Search

Pin/Parcel History Search Results New Search Land | Deeds | Notes | Sales | Photos | Tax Bill | Map

Account Buildings Land De	eeds Notes	Sales Photos	Tax Bill	Мар
Building Location Address 115 W PARK DR	Building Descriptio 01RA300	n	·	Card 01 Of 01
Bldg Type 01 Single Family Units 1 Heated Area 2,820 Story Height 2 Story Style Conventional Basement Full Basement Exterior Aluminum Vinyl Const Type Heating Central Air Cond Central Plumbing 3 BATH		emod 1978	Base Bldg Vali Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Co Card 01 Value All Other Card Land Value As Total Value As	A+20 173% B 79% H 90% F 120% 85% de \$ \$301,747 s seessed \$319,800
Main and Addition Sum Story Type Code M 2 ALVY/FB A 1 SFR A B 2 SFR E C 1 SFR A D OP R E 1 SFR A F OP R	Area Inc 1080 33 238 135 360 16 39	Units Desiten	Other Improver Code ` RPORT 0158 1	Year % Inc Value ADJ
Building Sketch 1SFR OP 3 14 2	17 SFR 14 17 1SFR 30 3	00606	Photograp 2/18/2013	







1704109504
MEYMANDI, SPENCER S MEYMANDI,
KIMBERLY F
115 W PARK DR
RALEIGH NC 27605-1737

1704106572 EDIFICE COMPLEX LLC 5201 KINGSTON PIKE STE 6-125 KNOXVILLE TN 37919-5026 1704107449 NORTH CAROLINA STATE A F L - C I O PO BOX 10805 RALEIGH NC 27605-0805

1704107681 BAGWELL, ANDREW M BAGWELL, NICOLE ANGELIQUE BAKER 116 HILLCREST RD RALEIGH NC 27605-1718 1704108406
WHITE, HUGH GLENN III CYNTHIA ANNE
WHITE TRUST
1009 SCHIEFFELIN RD
APEX NC 27502-1777

1704108462 FIRST CHURCH OF CHRIST SCIENTISTS 1404 HILLSBOROUGH ST RALEIGH NC 27605-1829

1704108607 SIEGEL, ANNE J WATSON, JERRY L 118 HILLCREST RD RALEIGH NC 27605-1718 1704108732 HOPPES, IAN D. HOPPES, EMILY T. 120 HILLCREST RD RALEIGH NC 27605-1718 1704109364 ADAMS-TERRY REALTY COMPANY 1310 HILLSBOROUGH ST RALEIGH NC 27605-1827

1704109559 HICKS, RICHARD E HICKS, TIKA J 117 W PARK DR RALEIGH NC 27605-1737 1704200320 VAN, DYK THEODORE N VAN, PAMELA B 217 HAWTHORNE RD RALEIGH NC 27605-1634 1704200369 SEIBERT, JOHN H SEIBERT, JULIE H 1309 COLLEGE PL RALEIGH NC 27605-1804

1704200412 SMITH, RACHEL R SMITH, STEPHEN T 1313 COLLEGE PL RALEIGH NC 27605-1804 1704200603 OATES, JOHN F JR HANBURY, MARY RUFFIN 123 W PARK DR RALEIGH NC 27605-1737 1704203607 RALEIGH CITY OF PO BOX 590 RALEIGH NC 27602-0590